

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 936

By: Dossett

AS INTRODUCED

An Act relating to tobacco and vapor products; amending 63 O.S. 2021, Section 1-229.13, as amended by Section 34, Chapter 310, O.S.L. 2023 (63 O.S. Supp. 2024, Section 1-229.13), which relates to Prevention of Youth Access to Tobacco Act; modifying fines to include store owner when there is a sale to a minor; updating statutory language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-229.13, as amended by Section 34, Chapter 310, O.S.L. 2023 (63 O.S. Supp. 2024, Section 1-229.13), is amended to read as follows:

Section 1-229.13. A. It is unlawful for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

1 B. A person engaged in the sale or distribution of tobacco  
2 products, nicotine products or vapor products shall demand proof of  
3 age from a prospective purchaser or recipient if an ordinary person  
4 would conclude on the basis of appearance that the prospective  
5 purchaser may be under twenty-one (21) years of age.

6 If an individual engaged in the sale or distribution of tobacco  
7 products, nicotine products or vapor products has demanded proof of  
8 age from a prospective purchaser or recipient who is not under  
9 twenty-one (21) years of age, the failure to subsequently require  
10 proof of age shall not constitute a violation of this subsection.

11 C. 1. When a person violates subsection A or B of this  
12 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission  
13 shall impose an administrative fine of:

- 14 a. not more than One Hundred Dollars (\$100.00) for the  
15 first offense,
- 16 b. not more than Two Hundred Dollars (\$200.00) for the  
17 second offense within a two-year period following the  
18 first offense,
- 19 c. not more than Three Hundred Dollars (\$300.00) to the  
20 employee and not more than One Thousand Dollars  
21 (\$1,000.00) to the store owner for a third offense  
22 within a two-year period following the first offense.  
23 In addition to any other penalty, the store's license  
24 to sell tobacco products or nicotine products or the

1 store's sales tax permit for a store that is  
2 predominantly engaged in the sale of vapor products in  
3 which the sale of other products is merely incidental  
4 may be suspended for a period not exceeding thirty  
5 (30) days, or

6 d. not more than Three Hundred Dollars (\$300.00) to the  
7 employee and not more than One Thousand Five Hundred  
8 Dollars (\$1,500.00) for a fourth or subsequent offense  
9 within a two-year period following the first offense.  
10 In addition to any other penalty, the store's license  
11 to sell tobacco products or nicotine products or the  
12 store's sales tax permit for a store that is  
13 predominantly engaged in the sale of vapor products in  
14 which the sale of other products is merely incidental  
15 may be suspended for a period not exceeding sixty (60)  
16 days.

17 2. When it has been determined that a penalty shall include a  
18 license or permit suspension, the ABLE Commission shall notify the  
19 Oklahoma Tax Commission, and the Tax Commission shall suspend the  
20 store's license to sell tobacco products or nicotine products or the  
21 store's sales tax permit for a store that is predominantly engaged  
22 in the sale of vapor products in which the sale of other products is  
23 merely incidental at the location where the offense occurred for the  
24 period of time prescribed by the ABLE Commission.

1           3. Proof that the defendant demanded, was shown, and reasonably  
2 relied upon proof of age shall be a defense to any action brought  
3 pursuant to this section. A person cited for violating this section  
4 shall be deemed to have reasonably relied upon proof of age, and  
5 such person shall not be found guilty of the violation if such  
6 person proves that:

- 7           a. the individual who purchased or received the tobacco  
8 product, nicotine product or vapor product presented a  
9 driver license or other government-issued photo  
10 identification purporting to establish that such  
11 individual was twenty-one (21) years of age or older,  
12 or
- 13           b. the person cited for the violation confirmed the  
14 validity of the driver license or other government-  
15 issued photo identification presented by such  
16 individual by performing a transaction scan by means  
17 of a transaction scan device.

18           Provided, that this defense shall not relieve from liability any  
19 person cited for a violation of this section if the person failed to  
20 exercise reasonable diligence to determine whether the physical  
21 description and picture appearing on the driver license or other  
22 government-issued photo identification was that of the individual  
23 who presented it. The availability of the defense described in this  
24

1 subsection does not affect the availability of any other defense  
2 under any other provision of law.

3 D. If the sale is made by an employee of the owner of a store  
4 at which tobacco products, nicotine products or vapor products are  
5 sold at retail, the employee shall be guilty of the violation and  
6 both the employee and the store owner shall be subject to the fine.

7 Each violation by any employee of an owner of a store licensed to  
8 sell tobacco products or nicotine products or permitted to sell  
9 vapor products shall be deemed a violation against the owner for  
10 purposes of a license suspension pursuant to subsection C of this  
11 section. Each violation by an employee of a store predominantly  
12 engaged in the sale of vapor products in which the sale of other  
13 products is merely incidental shall be deemed a violation against  
14 the owner for purposes of a sales tax permit suspension pursuant to  
15 the provisions of subsection C of this section. An owner of a store  
16 licensed to sell tobacco products or nicotine products or permitted  
17 to sell vapor products shall not be deemed in violation of the  
18 provisions of the Prevention of Youth Access to Tobacco Act for any  
19 acts constituting a violation by any person, when the violation  
20 occurs prior to actual employment of the person by the ~~storeowner~~  
21 store owner or the violation occurs at a location other than the  
22 owner's retail store. For purposes of determining the liability of  
23 a person controlling franchises or business operations in multiple  
24 locations, for any violations of subsection A or B of this section,

1 each individual franchise or business location shall be deemed a  
2 separate entity.

3 E. On or before December 15, 1997, the ABLE Commission shall  
4 adopt rules establishing a method of notification of ~~storeowners~~  
5 store owners when an employee of such ~~storeowner~~ store owner has  
6 been determined to be in violation of this section by the ABLE  
7 Commission or convicted of a violation by a municipality.

8 F. 1. Upon failure of the employee to pay the administrative  
9 fine within ninety (90) days of the day of the assessment of such  
10 fine, the ABLE Commission shall notify Service Oklahoma, and Service  
11 Oklahoma shall suspend or not issue a driver license to the employee  
12 until proof of payment has been furnished to Service Oklahoma.

13 2. Upon failure of a ~~storeowner~~ store owner to pay the  
14 administrative fine within ninety (90) days of the assessment of the  
15 fine, the ABLE Commission shall notify the Tax Commission, and the  
16 Tax Commission shall suspend the store's license to sell tobacco  
17 products or nicotine products or the store's sales tax permit for a  
18 store that is predominantly engaged in the sale of vapor products in  
19 which the sale of other products is merely incidental until proof of  
20 payment has been furnished to the Oklahoma Tax Commission.

21 G. Cities and towns may enact and municipal police officers may  
22 enforce ordinances prohibiting and penalizing conduct under  
23 provisions of this section, but the provisions of municipal  
24 ordinances shall be the same as provided for in this section, and

1 the penalty provisions under such ordinances shall not be more  
2 stringent than those of this section.

3 H. County sheriffs may enforce the provisions of the Prevention  
4 of Youth Access to Tobacco Act.

5 SECTION 2. This act shall become effective November 1, 2025.

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